

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH ANTHONY MCDANIELS,

CASE NO. C14-1508JLR

Petitioner,

ORDER

V.

UNITED STATES OF AMERICA,

Respondent.

Before the court are pro se Petitioner Joseph Anthony McDaniels’ “motion for very materials” and “motion for order pertaining to . . . legal documents” (Mot. # 13)), as well as Mr. McDaniels’ objections to questions posed by the Government former counsel (Obj. (Dkt. # 16)). For the reasons discussed below, the court **DENIES** Mr. McDaniels’ motions and **OVERRULES** his objections.

Mr. McDaniels' motion for discovery materials asks the court to allow Mr.

McDaniels to review discovery materials. (See Mot. at 1.) The motion regarding legal

1 documents asks to the court to allow Mr. McDaniels to receive legal documents “without
 2 hindrance by the FBOP [Federal Bureau of Prisons].” (*Id.*)

3 The court has reviewed the pleadings related to the motions (Mot.; Resp. (Dkt.
 4 # 17)) and is satisfied that all the Government’s discovery materials have been provided
 5 to Mr. McDaniels. The only exception seems to be materials deemed protected under the
 6 court’s protective order issued in Mr. McDaniels’ underlying criminal case. (*See United*
 7 *States v. McDaniels*, No. CR12-0185JLR, Dkt. # 39.) These documents were discussed
 8 with Mr. McDaniels by his appointed standby counsel, Assistant Federal Public Defender
 9 Chris Kerkering. (*See* Mem. re Petition (Dkt. # 3) Exs. (Dkt. # 3-1) at 45-49 (letter from
 10 Mr. Kerkering).) Certain materials, such as photos of women in provocative poses and
 11 sample oral sex photos, were not provided to Mr. McDaniels as they are prohibited by the
 12 Bureau of Prisons’ (“BOP”) rules or were not relevant to Mr. McDaniels’ case. (*See id.*)
 13 As such, the court denies Mr. McDaniels’ motion for discovery materials.

14 Furthermore, based on the pleadings and representations provided by Mr.
 15 McDaniels, the court denies the motion regarding legal documents. Mr. McDaniels may
 16 be hindered by BOP policies about what he can or cannot review while in prison, but the
 17 court declines to order the BOP to provide Mr. McDaniels with unlimited ability to
 18 review and retain prohibited materials while in prison.¹ The court has crafted a series of
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20 ¹ The court also declines to issue any order in response to Mr. McDaniels’ accusation that
 21 BOP officials are “opening, reading, and/or copying” Mr. McDaniels’ legal documents outside
 22 his presence and without his permission. (Mot. at 3-4.) Mr. McDaniels makes these accusations
 on “information and belief,” yet he offers no evidence from which the court could conclude that
 BOP officials have in fact engaged in improper conduct. (*See id.*)

1 procedures to allow Mr. McDaniels to proceed pro se (as he did in the underlying
2 criminal case) while balancing the fact that he is incarcerated for convictions related to
3 escort services. (See 1/29/2015 Order (Dkt. # 12).) The court finds no justification for
4 further accommodations at this time.

5 The court has also reviewed Mr. McDaniels' objections to the Government's
6 written questions to his former standby counsel. (Obj.; Status Mem. (Dkt. # 14) Ex. A
7 (Dkt. # 14-1) (proposed letter to Mr. Kerkering); *see also id.* Ex. B (Dkt. # 14-2)
8 (proposed letter to former appellate counsel, Ms. Silverstein).) Mr. McDaniels'
9 objections can be summarized as requesting that he be permitted to ask questions; that his
10 former standby counsel was unethical; and that his former standby counsel might not be
11 forthcoming and honest in answering the Government's written questions. (See Obj. at 1-
12 2.) As relief, Mr. McDaniels requests an evidentiary hearing where he will "show a
13 pattern of disdain between [Mr. McDaniels], the stand-by counsel, and others associated
14 with stand-by counsel." (*Id.* at 2.) In addition, Mr. McDaniels asks for special treatment
15 under BOP rules and, again, asks to be transferred to a facility that will allow him
16 "unfettered access to his discovery." (*Id.* at 3.) None of Mr. McDaniels' objections has
17 merit, and the court therefore overrules his objections and denies his requested relief.

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1 For the reasons stated above, the court DENIES Mr. McDaniels' motion for
2 discovery and motion regarding legal documents (Dkt. # 13) and OVERRULES Mr.
3 McDaniels' objections to the Government's written questions to his former counsel (Dkt.
4 # 16). Further, the court AUTHORIZES the Government to send its proposed letter to
5 Mr. Kerkering (Dkt. # 14-1) as well as its proposed letter to Ms. Silverstein (Dkt. # 14-2).
6 Those letters must be altered, however, to reflect the court's order that Mr. Kerkering and
7 Ms. Silverstein are to send their responses to the court, not the Government.²

8 Dated this 21st day of April, 2015.

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12 JAMES L. ROBART
United States District Judge

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20 ² (See 1/29/2015 Order at 4-5 ("After either Mr. McDaniels or the court authorizes the
Government's letters to be sent, any responses from former counsel, along with any documents
that are produced, shall be sent to the court. The court will then forward copies to Mr.
McDaniels, who will have 15 days to file any objections. If Mr. McDaniels makes any
objections, the court will rule on his objections before the responses and documents are provided
to the Government.").)